

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 14 JUL 2003
WIPO PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1146-4 DIV/CIP/PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US01/23850	International filing date (day/month/year) 30 JULY 2001	Priority date (day/month/year) 11 AUGUST 2000	
International Patent Classification (IPC) or national classification and IPC IPC(7): A61B 05/00 and US Cl. 600/300			
Applicant DEXCOM, Inc.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 07 MARCH 2002	Date of completion of this report 04 JUNE 2003
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer ROBERT L. NASSER JR. Telephone No. (703) 308-3251
Facsimile No. (703) 305-3230	

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/23850

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages 1-67 \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:

pages 68-70 \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the drawings:

pages 1-12 \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages NONE \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in printed form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages NONE  
 the claims, Nos. NONE  
 the drawings, sheets/fig. NONE

5.  This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/23850

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. statement

Novelty (N)	Claims 4, 7, 8, 14, 15, 19, 20	YES
	Claims 1-3, 5, 6, 9-15, 16-18	NO
Inventive Step (IS)	Claims 4, 7,	YES
	Claims 1-3, 5, 6, 8-20	NO
Industrial Applicability (IA)	Claims 1-20	YES
	Claims NONE	NO

## 2. citations and explanations (Rule 70.7)

Claims 1, 3, 5, 6, 9-13, 16, and 18 lack novelty under PCT Article 35(2) as being anticipated by Fenson WO 98/24358. Fenson has a medical sensing device 10 which transmits measured data to receiving device 400, which has a computer memory, which transmits data to central station 500, which has a web server, including an interactive website. The central station process the data creating manipulated data, which is then sent back to the receiving device and monitor.

Claims 1-3, 5, 6, 9-13, and 16-18 lack novelty under PCT Article 35(2) as being anticipated by Brown WO 00/32098. Brown has a glucose sensing device 25, which transmits measured data to receiving device 26 having a computer memory and display, which transmits data to central station 24, 128, and 20, which has a web server, including an interactive website. The central station process the data creating manipulated data, which is then sent back to the receiving device and monitor.

Claims 8, 14, 15, 19, and 20 are an inventive step under PCT Article 35(2) as being obvious over Brown in view of in view of Saylor WO 00/38065. Brown does not trigger an infusion pump in response to measurements. However, Saylor teaches doing so to simplify the treatment. Hence, it would have been obvious to modify Brown to have a drug infusion triggered by abnormal results, to simplify a patient's treatment.

Claims 4 and 7 meet the criteria set out in PCT Article 35(2)-(4), because the prior art does not teach or fairly suggest calibrating the receiving device or medical device based on the manipulated data.

————— NEW CITATIONS —————  
NONE